

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DALLAS BUYERS CLUB, LLC,)	CIVIL NO. 14-00331 JMS-RLP
)	
Plaintiff,)	DEFICIENCY NOTICE AND ORDER
)	REGARDING SERVICE OF DEFENDANTS
vs.)	
)	
DOES 1 THROUGH 22,)	
)	
Defendants.)	
)	

DEFICIENCY NOTICE AND ORDER REGARDING SERVICE OF DEFENDANTS

Plaintiff filed its Complaint against the Defendants on July 23, 2014. ECF No. 1. Based on the docket, it does not appear that Plaintiff has effected service of the Complaint or Summons as required under Rule 4 of the Federal Rules of Civil Procedure. Rule 4(m) provides in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

As of the present date, more than 120 days have passed since Plaintiff filed its Complaint, yet no proof of service has been filed. Pursuant to Rule 4(m), the Court hereby gives notice to Plaintiff that it must serve, or show good cause for the

failure to serve, the Complaint and Summons on Defendants within thirty days (including weekends and holidays) of the date of this Deficiency Notice and Order. Failure to do so may result in **dismissal** of this action for failure to prosecute or otherwise follow a court order. See Fed. R. Civ. P. 41(b); Fed. R. Civ. P. 4(m). See also In re Sheehan, 253 F.3d 507, 513 (9th Cir. 2001) (stating that the court has broad discretion under Rule 4(m)).

The Rule 16 Scheduling Conference set for February 19, 2015, is hereby **VACATED** and will be rescheduled as appropriate.

IT IS SO ORDERED.

DATED HONOLULU, HAWAII, FEBRUARY 2, 2015.




Richard L. Puglisi
United States Magistrate Judge

DALLAS BUYERS CLUB LLC V. DOES 1 THROUGH 22; CIVIL NO. 14-00331
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